

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

### EXTRAORDINARY

### No. 2

#### GOVERNMENT OF GOA

#### Department of Panchayat Raj and Community Development

#### Directorate of Panchayats

#### Notification

9/DP/SFC/96

The following draft of certain rules which the Government proposes to make under sub-section (3) and (7) of Section 199 of the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994), is hereby pre-published as required by sub-section (1) of Section 240 of the said Act, 1994, for information of the persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration by the Government on the expiry of fifteen days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the said draft rules may be forwarded to the Development Commissioner, Government of Goa, Secretariat, Panaji, before the expiry of fifteen days from the date of publication of this Notification in the Official Gazette.

#### DRAFT RULES

In exercise of the powers conferred by sub-sections (3) and (7) of Section 199 read with sub-section (1) of Section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994), the Government of Goa hereby makes the following rules, namely,—

1. *Short title and commencement.*— (1) These rules may be called the Goa Panchayat Raj (Qualifications and other Conditions of Service of Chairman and Members of the Goa State Finance Commission) Rules, 1996.

(2) They shall come into force at once.

2. *Definitions.*— In these rules, unless there is anything repugnant in the subject or context,—

- (a) "Act" means the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994);
- (b) "Chairman" means the Chairman of the Commission;
- (c) "Commission" means the Goa State Finance Commission constituted by the Governor pursuant to clause (1) of Article 243-I of the Constitution read with Section 199 of the Act;
- (d) "Government" means the Government of Goa.

3. *Qualification for appointment as Chairman and members of the Commission.*— The Chairman of the Commission shall be a person, who is well versed in administrative and financial matters or a person with experience in public affairs and the other members of the Commission shall be selected from amongst the persons who,—

- (a) have special knowledge of the finance and accounts of the Government; or
- (b) have had wide financial and administrative experience; or
- (c) have special knowledge or experience of the local self Government in urban areas or rural areas:

Provided that one of the members of the Commission shall be a person who is holding or has had held a post not lower in rank than that of the Joint Secretary to the Government and he shall be the Member Secretary of the Commission.

4. *Disqualification for being the Chairman or member of the Commission.*—A person shall be disqualified for being appointed as or for being a Chairman or a member of the Commission,—

- (a) if he is of unsound mind; or
- (b) if he is an undischarged insolvent; or
- (c) if he has been convicted of an offence involving moral turpitude; or
- (d) if he has such financial or other interest as is likely to affect prejudicially his functions as the Chairman or member of the Commission.

5. *Term of office of Chairman and members.*—The Chairman and every member of the Commission shall hold office for a period of 3 (three) years but shall be eligible for re-appointment.

6. *Conditions of service and salaries and allowances of the Chairman and members.*—(1) The Chairman and the members of the Commission shall render whole time or part-time services to the Commission as the Governor may in each case specify.

(2) The Chairman and other members of the Commission shall be paid fees or salaries or honorarium and such allowances as the Government may, by order, from time to time determine.

7. *Accommodation.*—The Chairman of the Commission may, if he does not own a house at the headquarters of the Commission and if he so desires, be provided with unfurnished residence subject to the payment of rent and other conditions in accordance with the relevant rules for the time being applicable to officer of Grade I of the Government serving in connection with the administration of the State of Goa.

8. (1) The Commission shall make recommendations relating to the matters as indicated in sub-section (1) of Section 199 of the Act and also the matters as indicated in sub-section (1) of Section 143 of the Goa, Daman and Diu Municipalities Act, 1968 (Act 7 of 1969).

(2) The Commission shall examine and recommend measures for augmenting the resources of the local bodies with a view to making the local bodies financially self supporting on a sustainable basis, with minimum dependence on additional financial support from the Government.

In doing so, the Commission shall recommend measures for ;—

- (a) widening the resources base by examining the potential available with the local bodies by way of fiscal levies, fees, etc.;
- (b) updating the rates at which the present resources are being mobilised, like charging economic rates for the civic facilities such as water; and
- (c) improving the methodology of collection, etc.

(3) The Commission shall also,—

- (a) examine the extent to which and the manner in which the resources available to the Panchayats, Zilla Panchayats and the Municipal Councils could best be utilised for meeting the expenditure of these bodies and make recommendations on the measures needed to improve their financial position;
- (b) make detailed analysis of the outstanding debt position of the Panchayats, Zilla Panchayats and the Municipal Councils and make suitable recommendations regarding,—
  - (i) the principles and the procedure to regulate the borrowing powers of the Panchayats, Zilla Panchayats and the Municipal Council;
  - (ii) the steps needed to contain their debt liability taking into account their resource position;
  - (iii) the manner in which the repayment of Government dues could be ensured and the possibility of adjusting these dues against future devolution of revenue from the Government to these bodies.

(4) In making its recommendations, the Commission shall have regard, among other considerations for—

- (a) the resources of the Government and the demands thereon, in particular, on account of expenditure on civil administration, Police, social and economic services, debt servicing and all other committed expenditure for liabilities and Non-Plan revenue expenditure;
- (b) the projected gap between the revenue receipts and revenue expenditure (Non-Plan or Non-Developmental or both) of the Panchayats and the Municipalities in the State for five years from 1st April, 1996, on the basis of their levels of taxation likely to be needed in 1996-97;
- (c) the measures and the extent to which the Panchayats, Zilla Panchayats and the Municipal Councils have exploited the available and potential sources of the revenue and the manner and the extent to which their revenue gap be reduced by such measures;
- (d) the principles of the financial assistance from the Government to the Panchayats, Zilla Panchayats and the Municipal Councils as may be determined by the Commission taking into account the provisions of clauses (b) and (c) above.

9. *Procedure of the Commission.*—The Commission shall determine its own procedure and shall have all the powers of the

Civil Court under the Code of Civil Procedure, 1908 (V of 1908), while trying suits, in respect of the following matters, namely:--

- (a) summoning and enforcing the attendance of witnesses;
- (b) requiring the production of any document; and
- (c) requisitioning any public record or any copy thereof from any Court or Office.

(2) The Commission shall have power to require any person to furnish information on such points or matters, as in the opinion of the Commission, may be useful for, or relevant to, any matter under the consideration of the Commission and any person so

required shall, notwithstanding anything contained in any other law for the time being in force, be deemed to be legally bound to furnish such information within the meaning of Section 176 of the Indian Penal Code.

*Explanation.*— For the purposes of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Commission shall be the limits of the State of Goa.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Joint Secretary.

Panaji, 7th January, 1997.